

CITY OF BELVIDERE
Community Development



401 WHITNEY BLVD. SUITE 300 BELVIDERE, IL 61008 PH. 815-547-7177 FAX. 815-547-0789

APPLICATION FOR VARIANCE

(INSTRUCTIONS)

If you have any questions about this application, please contact the Community Development Department at (815) 547-7177.

NOTE: Applications can be filed at anytime. Applications will not be processed until all of the required information has been submitted. See the attached schedule of meeting dates and deadlines for submittals.

FOR ALL VARIANCE CASES:

An acceptable application includes the following:

- 1. A certified plat, site plan, survey, or other professional illustration;**
- 2. A detailed written statement explaining the reason for the request;**
- 3. Legal description of the property;**
- 4. Completed application with the appropriate signatures;**
- 5. Application fee as listed on the attached fee schedule;**
- 6. NRI report or letter from the SWCD; and**
- 7. Any other information required by the staff (ie. landscaping plan, elevation plan, exterior lighting plan, etc.).**

Review the **FILING PROCEDURES** section within the application and select one of the local newspapers for publication of your legal notice. The staff will prepare the legal notice and deliver it to the newspaper.

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APPLICATION FOR VARIANCE

FOR OFFICE USE ONLY

Case Number _____
Filing Date _____
Zone District _____

PZC Date _____

1) The address or general location of the property for which this application is filed is:

and its Parcel Identification Number is: _____
and the legal description for the subject property is: Lot _____, Block _____,
Tract _____, Subdivision Name _____
(NOTE - If there is no lot, block, or tract, then attach a legal boundary description hereto.)

2) Applicant Name: _____
Mailing Address: _____
Daytime Phone: _____ Fax: _____ Email: _____ Zip: _____

3) Property Owner Name: _____
Mailing Address: _____
Daytime Phone: _____ Fax: _____ Zip: _____

4) Attorney Name: _____
Mailing Address: _____
Daytime Phone: _____ Fax: _____ Zip: _____

5) Contact Person (if different from Applicant): In order to reduce confusion, the staff
requests one contact person be designated to discuss issues concerning this petition.
Name: _____
Mailing Address: _____
Daytime Phone: _____ Fax: _____ Email: _____ Zip: _____

NOTICE TO APPLICANT

A Variation is a zoning adjustment, which permits minor changes of district requirements where individual properties have proven hardships. Variances are restrictive and the degree of Variation is limited to the minimum change necessary to overcome the practical difficulty inherent on the property. "Variation" means the modification of the requirements of a zoning district and does not include the substitution of uses assigned to other districts. Use Variations are specifically prohibited.

A Variation recognizes that the same district requirements do not affect all properties equally; it is intended to permit minor changes to allow hardship properties to enjoy equal opportunities with similarly zoned properties. **You must prove that your land is affected by special circumstances or unusual conditions.** These must result in uncommon hardship and unequal treatment under the strict application of the Zoning Ordinance. Where hardship conditions extend to other properties, a Variation cannot be granted. The remedy for a general hardship is a change to the Zoning Map or to the text of the Zoning Ordinance.

You must prove that the combination of the Zoning Ordinance and the uncommon conditions of your property prevent you from making any reasonable use of your land as permitted by your present zoning district. Since zoning regulates land and not people, the following conditions cannot be considered pertinent to the application for a Variation: 1) Proof that a Variation would increase the financial return from the land, 2) Personal hardship, and 3) Self-imposed hardship. In the last case, the recognition of conditions created after the enactment of the Zoning Ordinance would encourage and condone violation of the law.

A proposed Variation which will adversely affect surrounding property or the general neighborhood cannot be granted. All Variations must comply with the intent and purpose of the Zoning Ordinance.

6) Variance for _____
(what type of Variance)
From _____ ft. to _____ ft.
To Permit: _____
(what type of construction)

Reasons for Variance Request

7) Which of the following types of modifications will allow you a reasonable use of your land:

- _____ Change in setback requirement
- _____ Change in lot-coverage requirement
- _____ Change in side yard restriction
- _____ Change in off street parking requirement
- _____ Change in area requirement
- _____ Other (describe) _____

8) Describe how this variation is the minimum variation that will make possible the reasonable use of the land, structure, or buildings in question.

9) What characteristics of your property prevent it from being used in a reasonable manner?

Too narrow _____	Elevation _____	Soil _____
Too small _____	Slope _____	Subsurface _____
Too shallow _____	Shape _____	Other _____

10) Describe the items checked, giving dimensions where appropriate and how the characteristics are different than other properties in the district.

11) In what way do the above site conditions prevent any reasonable use, commonly enjoyed by owners of other properties in the same zoning district?

12) To the best of your knowledge, can you affirm that the hardship described above was not created by an action of anyone having an interest in the property after the Zoning Ordinance or applicable part thereof became law? Yes ___ No ___ If "No", explain why the hardship should not be regarded as self-imposed (self-imposed hardships are not entitled to variations).

13) Are the conditions on your property the result of other manmade changes, such as the relocation of a road or highway? If so, describe.

14) Will granting the variation requested give the applicant any special privilege that is denied by the Zoning Ordinance to owners of other lands, structures, or buildings in the same district? Explain your answer.

15) Specify how the granting of the variation requested will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.

16) **LIST THE OWNERS OF RECORD:** *Applicants* shall provide on a separate sheet of paper or have the Community Development staff list the owner of record for all properties located within 250 feet of the subject property (exclusive of public right-of-ways). This information is found at the Supervisor of Assessments Office, 1208 Logan Ave. Verifying the accuracy of information is the responsibility of the applicant (use additional pages if necessary).

17) **SUPPORTING INFORMATION:** Attach a site plan drawn to scale showing lot dimensions, the size and locations of existing buildings, the locations and dimensions of proposed buildings or alterations, and any natural or topographic peculiarities of the property in question.

Also include a detailed written statement relative to the above listed requirements, fully explaining your proposal and any measures to mitigate negative affects of your proposal on neighboring properties.

Incomplete applications will be returned to the applicant after sixty (60) days.

Natural Resources Information: Pursuant to state law, a copy of this completed application must be provided to the Boone County Soil and Water Conservation District (SWCD). They are located at 211 N. Appleton Road, P.O. Box 218, Belvidere, and may be contacted at (815) 544-2677. Their business hours are Monday through Friday 8:00 a.m. to 4:30 p.m. An application fee is required. The SWCD has thirty (30) days to respond and provide their Natural Resource Information (NRI) Report to the Community Development Office. **The SWCD must send a report to the Community Development Department for your application to proceed.**

DECLARATION

I, the applicant, of the above legally described property on which the variance is proposed, have provided answers to the questions herein that are true to the best of my knowledge. I have been granted permission by the property owner(s) of the above legally described property to apply for a variance on said property.

By virtue of my application for a variance, I do hereby declare that the appropriate appointed and elected officials who are responsible for the review of my application are given permission to visit and inspect the property proposed for variance in order to determine the suitability of the request.

Applicant Signature: _____ Date Signed: _____

Owner(s) Signature: _____ Date Signed: _____

_____ Date Signed: _____

STAFF SIGNATURE: _____ Date Signed: _____

Filing Fee - Amount Paid: _____ Check Number: _____

FILING PROCEDURE

- A. Submit this form and supporting information accompanied by an application fee. Make checks payable to the **City of Belvidere**. See the attached fee schedule.
- B. Submit application and supporting information with fee to the Boone County Soil and Water Conservation District.
- C. Selection of newspaper publication. See the attached newspaper selection sheet.
- D. Attendance at the Planning & Zoning Commission meeting is required.

**Variance for Corporations, Partnerships, and Joint Venture
(If Applicable)**

1. Is the petitioner or applicant a corporation, partnership or joint venture?

2. State the name for which the business is conducting business under.

3. Are you acting for yourself, or in the capacity of agent, alter ego or representative of a principal?

4. State the name(s) and address(es) of the actual and true principal(s).

5. State the names and address of all officers, directors and all stockholders or shareholders owning any interest in excess of 20% of all outstanding stock of such corporation (use a separate sheet if necessary).

LEGAL NOTICE REQUIRED

According to Illinois State Statutes, "notice of each hearing shall be published at least 15 days in advance thereof in a newspaper of general circulation published in the township or road district in which such property is located."

A Notice of Public Hearing will be completed by the Community Development Staff for publication in a newspaper of local distribution. Please select one of the following newspapers for publication:

*******THE COST OF THE PUBLICATION IS TO BE PAID BY THE APPLICANT*******

Belvidere Daily Republican
(815) 547-0084 (publishes 5 days a week)

Boone County Journal
(815) 544-4430 (publishes weekly)

NOTE: Fees are based on the length of the Notice of Public Hearing. If you wish to seek the lowest price, please contact the above newspapers at the telephone numbers provided.

CERTIFIED MAIL NOTICE REQUIRED

According to Ordinance #51H approved by the City Council on March 1, 2010, items requiring a public hearing, excluding text amendments, shall provide notice of the hearing by certified mail – return receipt requested – to all properties within 250 feet of the subject property. ***The cost of the required mailing is the responsibility of the applicant*** and is not included in the required application fee.

In order to complete the required mailing notice the procedure is as follows:

- Community Development staff will prepare the required forms and labels for the certified mailings.
- The green cards (receipts showing the mailings were received) are delivered to the community development department by the post office and must be received prior to the public hearing as proof that the mailings have been completed and provided as required.
- Two options exist for covering the cost of postage.
 - The City will cover the cost to mail the letters upfront, an invoice will be provided to the applicant with payment required prior to the public hearing (payable to the City of Belvidere). If payment is not received prior to the public hearing the case will be delayed until such time as payment is received.
 - The applicant may pick up the completed mailings, take them to the post office and pay the required fee at that time. If this option is chosen, the white receipts shall be provided to staff to verify that the mailings were sent out and sent out at the proper time.

NOTE: Cost of the mailing is based on the number of letters and weight of each mailing.

Natural Resource Information Report

Boone County Soil and Water Conservation District
211 North Appleton Road, Belvidere, Illinois 61008-1983
815-544-2677 Ext. 3

Owner's Name: _____

Address: _____

Petitioner's Name: _____

Address: _____

Contact Information:

Phone Number(s): () _____

E-Mail Address: _____

If a letter, would you like a copy for your records? **Yes** or **No**

We will send copies via e-mail unless specifically told to mail.

Note: If a report is required the applicant will receive a copy, in addition to the applicant's legal representation, if applicable.

Type of Request:

Change in Zoning from _____ to _____

Subdivision- Attach proposed plat, if available.

Variance (Explain Type) _____

Other (Describe) _____

Legal Description Attached: Yes or No .

If yes, Section _____ and Township _____. Note: Please include a map outlining the exact boundaries of the parcel.

If no, please list the address of the property for the proposed request:

Street/Road Address **Village, Town, or City**

Parcel Identification Number(s), if known **Total Acres**

Natural Resource Information Fee Schedule

0-5 Acres	\$400.00
5 or more Acres	\$400.00 plus \$20.00 per acre for each acre over five acres
Letter/No Report	\$75.00

Note: Unfortunately, we do not accept credit or debit cards at this time. Before the report or letter can be started a payment must be received in full. We are sorry for any inconveniences.

Checks payable to:

**Boone County SWCD
211 North Appleton Road
Belvidere, IL 61008-1983**

I (We) understand the filling of this application allows an authorized representative of the Boone County Soil & Water Conservation District to visit and conduct any necessary on-site investigations on the site described above. Completion of this report may require 30 days as allowed under State Law.

Petitioner's Name Printed	Petitioner's Name Signed	Date of Request
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Approved by the Soil & Water Conservation District Board	Date of Approval
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This report is issued as a guide in making land use decisions and does not preclude further refinement of soil type boundary lines during more detailed on-site investigations. Interpretations are based on criteria established by the National Soils Handbook (USDA-Natural Resources Conservation Service) and are subject to change by this office and appropriate agencies.

PUBLIC HEARING PROCEDURE

The Belvidere Planning & Zoning Commission conducts public hearings pursuant to State Law. Public hearings are conducted according the following procedure:

1. After the staff presentation, the applicant will be sworn in by stating his/her name and address. "Do you swear to tell the truth to the best of your knowledge?"
2. The applicant will be requested to fully present his/her case and furnish the Commission with pertinent information concerning their petition.
3. Other parties who favor the petition will be heard next, and those who oppose the petition will be heard last.
4. Each person making a statement will be requested to state their name and address and be sworn in.
5. Please refrain from repeating what has been said before you and please do not involve personalities.
6. Be as factual as possible.
7. The Commission reserves the right to question any speaker.
8. All statements or questions must be directed to the Chairperson.
9. The Commission will make a decision on the matter during the public hearing.
10. If the Commission feels that information is lacking, they may entertain a motion to table the approval of the petition pending additional information to be brought forth at the next meeting.

Community Development Department

CITY FEES

*Per Ordinance Number 153H

Annexation: \$500

Zoning Change:

RH:	\$600 + \$75/acre (or portion thereof)
SR-3, SR-4, SR-6, TR-7,	\$600 + \$75/acre “
MR-8S, & MR-8L:	\$600 + \$75/acre “
CB, GB, PB, NB, NO, & PO:	\$700 + \$75/acre “
GI, PI, HI, & I:	\$700 + \$75/acre “

Planned Community Development (Special Use): \$700 plus subdivision plat fees, if applicable.

Subdivision Plat:

	<u>Preliminary</u>	<u>Final</u>	<u>Replat</u>
Residential:	\$500 + \$75/lot	\$500 + \$75/lot	\$500 + \$75/lot
Commercial & Industrial:	\$600 + \$75/lot	\$600 + \$75/lot	\$600 + \$75/lot

**Final Plat Reinstatement/
Extension Fee:** \$50% of Initial Fee

Special Use: \$500 when accessory to an established primary use
\$700 when establishing a primary use

Variation: \$350

Text Amendment: \$500

**Comprehensive Plan
Text or Map Amendment:** \$350

Appeal: \$250

Zoning Verification Letter: \$25 per lot.

**CITY OF BELVIDERE
VARIANCES**

2017 CALENDAR YEAR MEETING DATES

APPLICATION DEADLINE	PLANNING & ZONING COMMISSION
December 13, 2016	January 10, 2017
January 10	February 14
February 14	March 14
March 14	April 11
April 11	May 9
May 9	June 13
June 13	July 11
July 11	*August 8
*August 8	September 12
September 12	October 10
October 10	November 14
November 14	December 12
December 12	January 9, 2018

Applications will not be processed until all required information is submitted

*may be rescheduled due to County Fair